

HOUSE BILL No. 1324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3.

Synopsis: Sale of alcoholic beverages in designated areas. Requires a beer retailer, beer dealer, liquor dealer, or wine dealer to sell alcoholic beverages in a designated area separated from the sale of nonalcoholic retail merchandise on the retailer's or dealer's licensed premises. Prohibits minors from entering a designated area and requires an employee, as part of the employee's job responsibilities, to ensure that minors do not enter the designated area.

Effective: July 1, 2001.

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January 9, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1324

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-4-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The holder of a
3 beer retailer's permit shall be entitled to purchase beer for sale under
4 ~~his~~ **the** permit only from a permittee entitled to sell to ~~him~~ **a beer**
5 **retailer** under this title. A beer retailer shall be entitled to possess beer
6 and sell it at retail to a customer for consumption **in a designated area**
7 **separated from the sale of nonalcoholic retail merchandise** on the
8 licensed premises. **A minor may not enter the designated area. The**
9 **designated area shall be monitored by an employee who, as part of**
10 **the employee's job responsibilities, shall ensure that minors do not**
11 **enter the designated area.** A beer retailer also shall be entitled to sell
12 beer to a customer and deliver it in permissible containers to the
13 customer on the licensed premises, or to the customer's house.
14 (b) A beer retailer shall not be entitled to sell beer at wholesale. ~~He~~
15 **A beer retailer** shall not be entitled to sell and deliver beer on the
16 street or at the curb outside the licensed premises, nor shall ~~he~~ **a beer**



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1 **retailer** be entitled to sell beer at a place other than the licensed
 2 premises. However, a beer retailer may offer food service (excluding
 3 alcoholic beverages) to a patron who is outside the licensed premises
 4 by transacting business through a window in the licensed premises.

5 (c) A beer retailer shall be entitled to sell and deliver warm or cold
 6 beer for carry out, or for at-home delivery, in barrels or other
 7 commercial containers in a quantity that does not exceed fifteen and
 8 one-half (15 1/2) gallons at any one (1) time.

9 SECTION 2. IC 7.1-3-5-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. Scope of Permit. (a)
 11 The holder of a beer dealer's permit shall be entitled to purchase beer
 12 for sale under ~~his~~ **the** permit only from a permittee entitled to sell to
 13 ~~him~~ **a beer dealer** under this title.

14 (b) A beer dealer shall be entitled to possess beer and sell it at retail
 15 to a customer in permissible containers only.

16 (c) A beer dealer may not sell beer by the drink nor for consumption
 17 on the licensed premises nor shall ~~he~~ **a beer dealer** allow it to be
 18 consumed on the licensed premises.

19 (d) A beer dealer shall be entitled to sell beer to a customer **in a**
 20 **designated area separated from the sale of nonalcoholic retail**
 21 **merchandise** and deliver it in permissible containers to the customer
 22 on the licensed premises, or to the customer's house. ~~He~~ **A minor may**
 23 **not enter the designated area. The designated area shall be**
 24 **monitored by an employee who, as part of the employee's job**
 25 **responsibilities, shall ensure that minors do not enter the**
 26 **designated area. A beer dealer** shall not be entitled to sell and deliver
 27 beer on the street or at the curb outside the licensed premises, nor shall
 28 he be entitled to sell beer at a place other than the licensed premises.
 29 A beer dealer shall not be entitled to sell beer and deliver beer for
 30 carry-out, or for at-home delivery, in a quantity that exceeds eight
 31 hundred sixty-four (864) ounces at any one (1) time. However,
 32 notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant
 33 to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer
 34 for carry-out, or for at-home delivery, in barrels or other commercial
 35 containers in a quantity that does not exceed two thousand sixteen
 36 (2,016) ounces at any one (1) time.

37 (e) Unless a beer dealer is a grocery store or drug store, a beer
 38 dealer may not sell or deliver alcoholic beverages or any other item
 39 through a window in the licensed premises to a patron who is outside
 40 the licensed premises. A beer dealer that is a grocery store or drug store
 41 may sell any item except alcoholic beverages through a window in the
 42 licensed premises to a patron who is outside the licensed premises.



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SECTION 3. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to ~~him~~ **a liquor dealer** under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package **and in a designated area separated from the sale of nonalcoholic retail merchandise** to a customer only for consumption off the licensed premises. **A minor may not enter the designated area. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that minors do not enter the designated area.**

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 4. IC 7.1-3-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to ~~him~~ **a wine dealer** under this title. ~~He~~ **A wine dealer** shall be entitled to sell wine **in a designated area separated from the sale of nonalcoholic retail merchandise** for consumption off the licensed premises only and not by the drink. **A minor may not enter the designated area. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that minors do not enter the designated area.**

(b) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than twelve (12) quarts, at any one (1) time.

(c) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

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